



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

February 10, 2011

In reply refer to: DK-7

Myrtle June Chapman  
Estate of Daphne Holtgrieve

Ex 6

RE: BPA-2011-00430-F

Dear Ms. Chapman:

This is a final response to your request for information that you made to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

**You requested the following:**

Correspondence between Church of God and BPA together with submitted drawings relating to roadway crossing the right-of-way known as Tract No. VK-22 a.k.a. Vancouver-Kelso or Ross-Lexington No. 1. Specific to BPA case No. 920129 between 1990 and present.

**Response:**

BPA has provided the responsive documents in their entirety or with some information withheld under Exemption 6 of the FOIA. There is no charge for your request.

Exemption 6 protects from mandatory disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Names of homeowners, their personal addresses and phone numbers were redacted within these documents. In applying Exemption 6, the DOE considered (1) whether a significant privacy interest would be invaded; (2) whether release of the information would further the public interest by shedding light on the operations or activities of the Government; and (3) whether in balancing the privacy interests against the public interest, disclosure would constitute a clearly unwarranted invasion of privacy.

The withheld information is of a highly personal nature and the individual to whom it pertains has an expectation that it will remain private. Disclosure of this information could subject the individual in question to unwanted communications, attention, and harassment that would intrude into his personal life. Moreover, disclosure of this information will not reveal any aspect about the operations or activities of the Government.

If you are dissatisfied with this determination, you may make an appeal within thirty (30) days of receipt of this letter to the Director of Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal."

I appreciate the opportunity to assist you. Please contact Laura M. Atterbury, FOIA/Privacy Act Specialist at (503) 230-7305, with any questions about this letter

Sincerely,

*/s/ Christina J. Munro*

Christina J. Munro  
Freedom of Information Act/Privacy Act Officer

Enclosure(s): Responsive Documents

FEB 27 1992

MMLC (Case No. 920129)  
Tract No. VK-22  
Vancouver-Kelso (Operated as  
Ross-Lexington No. 1)  
Transmission Line

Mr. Donald E. Eby  
Ex 6

Dear Mr. Eby:

I have reviewed your letter of February 18, 1992, in which you advise of the First Church of God's intended use of the Bonneville Power Administration (BPA) right-of-way referenced above. Since the proposed road still seems to fall under the provisions set forth in my letters of November 6, 1991, and December 11, 1991, we will not need to issue a formal easement for the road. In answer to your inquiry relating to HS-20 loading, this loading relates to the weight distribution over the axles: 8,000 pounds are distributed over the front axle and 32,000 pounds are distributed over the back axle, assuming two rear wheels.

We will have our plan and profile drawing revised to reflect this road within the right-of-way. Thank you for your early response to me. If you have any questions, please call Sally Binninger at (503) 230-3293.

Sincerely,

*/s/ Renee M. Ferrera*

Renee M. Ferrera  
Chief, Land Management Section

SB SABinninger:sab:jd:3293 (VS10-MMLC-0374)

cc:

Official File - MMLA (Case No. 920129)

OFFICIAL FILE COPY



## FIRST CHURCH OF GOD

Gerak J. Marvel, Senior Pastor  
Bruce Hazel, Associate Minister  
Bill Heerlein, Associate Minister  
Randall D. Hood, Associate Minister

Frank Yerden, Minister of Music  
Mary Ross, Christian Education Minister  
Matt Stimmel, Senior High Youth Minister  
Monica Phillippi, Junior High Youth Minister

February 18, 1992

Renee M. Ferrera  
Chief, Land Management Section  
Department of Energy  
Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621



RE: MMLC (Case No. 920129) Tract No. VK-22

Dear Mrs. Ferrera:

The First Church of God Board met on February 15, 1992 and determined to pursue access road Option #2 for access to NE 30th Ave. The County has indicated they will issue the church a driveway permit for this road.

Since the road will be within the yellow outline on your map that you supplied to me, we assume that the church has easement provision.

We are proposing a 20' wide, asphalt paved road as indicated with a 16' wide locked gate at the NE 30th Ave. entrance. The road will be sign posted as "Private Use Only". The road will be constructed to withstand the 54,000 pound gross weight vehicles on the right-of-way as per your request. If you have those HS-20 loading specifications, I would appreciate having them as guidelines.

The road will follow the existing grade contours and the road surface will be level with the existing ground. The excavated material will be disposed on church property.

If you require any further documentation, please advise.

Thank you for your assistance. It is appreciated.

Sincerely,

  
Donald E. Eby, Architect

Enclosure: Access Road Plan to NE 30th Ave.



DEC 11 1991

MMLC (Case No. 920129)  
Tract No. VK-22 and VK-24 (FEE)  
Vancouver-Kelso (Operated as  
Ross-Lexington No. 1)

Donald E. Eby, Architect  
Ex 6

Dear Mr. Eby:

This is in response to your recent telephone conversation with Carolyn Lee of this office regarding your letter dated November 6, 1991, on behalf of The First Church of God, requesting permission to place and use access roads across Bonneville Power Administration's (BPA) right-of-way. This property is located in a portion of the DLC and Government Lot 3, all in Section 1, Township 2 North, Range 1 East, Willamette Meridian, Clark County, WA.

As you know, shortly after BPA acquired the property in 1939, we conveyed easement deeds back to the sellers. The easements allowed for the following certain specific and limited uses: access across the right-of-way; use of water sources and the laying of water pipes on the right-of-way; and customary agricultural practices, so long as the sellers' actions did not interfere with BPA's present and future business needs of constructing, operating, and maintaining its electric transmission facilities. In return, the sellers agreed to keep the right-of-way clear of brush, trees, debris, and structures. Note that the rights granted in the easements extended only to the benefit of the sellers' land then adjoining the right-of-way. Note also that these rights are granted to the heirs or assigns of the sellers. This is a general summary; the specific provisions are found in the enclosed copy of the easements.

As Carolyn advised you, the provisions of the easements are still in effect, and may apply to the portion of your request in the J. Fitzgerald DLC. Enclosed is a copy of BPA Drawing No. 2137 showing you, outlined in yellow, how much property was owned by the original sellers. If the church's property lies within the bounds of the original sellers' property and if the church's property immediately adjoins the right-of-way, BPA assumes that the church has these rights.

OFFICIAL FILE COPY

2 43  
12-11-91

In some cases, land with such easement provisions has since been subdivided. BPA takes the position that the subdivided properties which presently adjoin that right-of-way have the right to the easement. However, this position is administrative, not legal; legal circumstances may vary from place to place. You may wish to consult an attorney to establish and insure the church's legal rights. Please be advised BPA will not become involved in settling disputes which may arise between neighbors regarding the rights established by these easements. The church and its neighbors must settle any disagreement.

BPA has no objection to the location of the proposed roads as indicated in your drawing subject to the following conditions:

1. As you can see from the enclosed drawing, BPA owns a 250-foot-wide right-of-way, a portion of which is currently being utilized. It is likely in the future an additional transmission line will be constructed in the vacant portion of the right-of-way. The construction, use, and maintenance of the roads shall in no respect interfere with BPA's operation and maintenance of its existing and future transmission lines.
2. Regarding Options 2 & 3, where the roads parallel BPA's right-of-way, the maximum width of the proposed roads shall not exceed 20 feet in width and shall be constructed along the very edge of BPA's right-of-way.
3. The roads shall be for private use only and signs must be posted showing that the roads are for private use only.
4. Construction equipment must maintain a minimum distance of fifteen feet (15') between equipment and transmission line conductors.
5. Access to the transmission line structures and to and along the right-of-way by BPA's maintenance crews shall not be interfered with or obstructed.
6. The roads should be capable of withstanding HS-20 loading from BPA's heavy maintenance vehicles (up to 54,000 pounds gross vehicle weight).
7. BPA's right-of-way shall be restored to its original condition or better following construction. No grade changes to facilitate construction or disposal of overburden shall be allowed.
8. BPA shall have the right to use the roads for access to its structures and to and along its transmission line right-of-way for maintenance purposes.
9. There shall be no storage of flammable materials within the right-of-way.

OFFICIAL FILE COPY

3 43  
12-11-91

10. There shall be no refueling of vehicles or equipment within the right-of-way.

11. Any fences across BPA's right-of-way must have adequate gates of 16 feet in width for the passage of BPA's maintenance vehicles. The gates may be kept locked provided BPA is also permitted to install its own lock thereon. Please contact Jim Mattix at (503) 230-4566 at time of fencing.

If the church needs something more than this letter for its purpose, then BPA will sell them an easement and charge them fair market value for this easement.

Also, as Carolyn pointed out to you, a portion of the proposed road, Option No. 3, does not adjoin the church's property in Government Lot 3. This area is outlined in blue on the enclosed drawing. Since it is not in the church's ownership, it will be necessary for us to sell the church an easement for the proposed roadway subject to any outstanding rights. In other words, the church would also need to obtain permission from the owners whose property also adjoins this portion of the right-of-way. We will charge fair market value for this easement.

Please let us know when the church has decided what they plan to do so that we can proceed with obtaining an appraisal if necessary. If you should have any other questions or need further information, please call Carolyn at (503) 230-3291.

Sincerely,

/s/ Renee M. Ferrara

Renee M. Ferrara  
Chief, Land Management Section

3 Enclosures

cc:  
The First Church of God  
3300 NE. 78th Street  
Vancouver, WA 98665

CYLee:ni:3291 (MMLC-0046y)

bcc:  
E. Peterson - LE  
Official File - MMLA (Case No. 920129)

OFFICIAL FILE COPY

CASHMERE DEED

THE UNITED STATES OF AMERICA, Department of the Interior, acting by and through the Des Moines Power Administrator, hereinafter called the grantor, has this day granted and conveyed, and by these presents does hereby grant and convey unto Lester H. Hultgraves and Dorothy G. Hultgraves, husband and wife, hereinafter called the grantees, their heirs and assigns, a perpetual easement over and upon the following described land, to-wit:

Ex 6 A parcel of land being all that portion of the G.L.C. lying in Sections 1 and 2, Township 2 North, Range 1 East, T.M., Clark County, Washington, which lies within a strip of land 250 feet in width, of which 62.50 feet lie on the westerly side and 187.50 feet lie on the easterly side of the Vancouver-Kalco transmission line survey;

Said survey line being located as follows: Beginning at a point which is the intersection of said survey line with the south line of the SW 1/4 of said Section 1, said point being N. 89° 32' 40" E. along said south line a distance of 22.27 feet from the section corner common to Sections 1, 2, 11, and 12, Township 2 North, Range 1 East, T.M.; thence running N. 23° 38' 27" E. a distance of 3765.10 feet to a point on the north line of the SW 1/4 of said Section 1, said point being N. 89° 43' 50" E. along said north line a distance of 2365.23 feet from the northwest corner of Section 1, Township 2 North, Range 1 East, T.M.

The aforesaid easement is for ingress and egress over, across and upon said parcel of land; for use thereof for customary agricultural purposes, except as herein limited; for use of an well or natural springs or water courses thereon and the water therefrom; and for laying and maintaining under pipes under, upon and across said parcel of land; all in such manner as in the opinion of the grantor will not interfere with use and occupancy of said parcel of land by the grantor for the present or future construction, operation and maintenance of an electric transmission and distribution system thereon with wires and appurtenances connected thereto.

TO HAVE AND TO HOLD the said easement to the said Lester H. Hultgraves and Dorothy G. Hultgraves, husband and wife, their heirs and assigns forever.

The rights granted herein shall be appurtenant to and shall inure only to the benefit of the grantees' land adjoining this said above described parcel of land.

In consideration of the grant of this easement, the grantor hereby covenants for themselves, their heirs and assigns forever, that at all times said parcel of land will be kept and maintained free and clear of trees, brush, useless weeds, buildings or other structures, and that no material will be stored, stacked or piled thereon.

Done at Portland, Oregon, this 5 day of July, 1908.

VERIFIED CORNER BY SURVEYOR

PAUL J. HAYES

Cont of 4  
12-11-91

STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

On WILL RAY personally appeared before me Paul J. Reyer, to me known to be the Donnell Lee Power Administrator described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the purposes and uses therein mentioned.

Given under my hand and official seal this 5 day of  
July, 1944.

(SEAL)

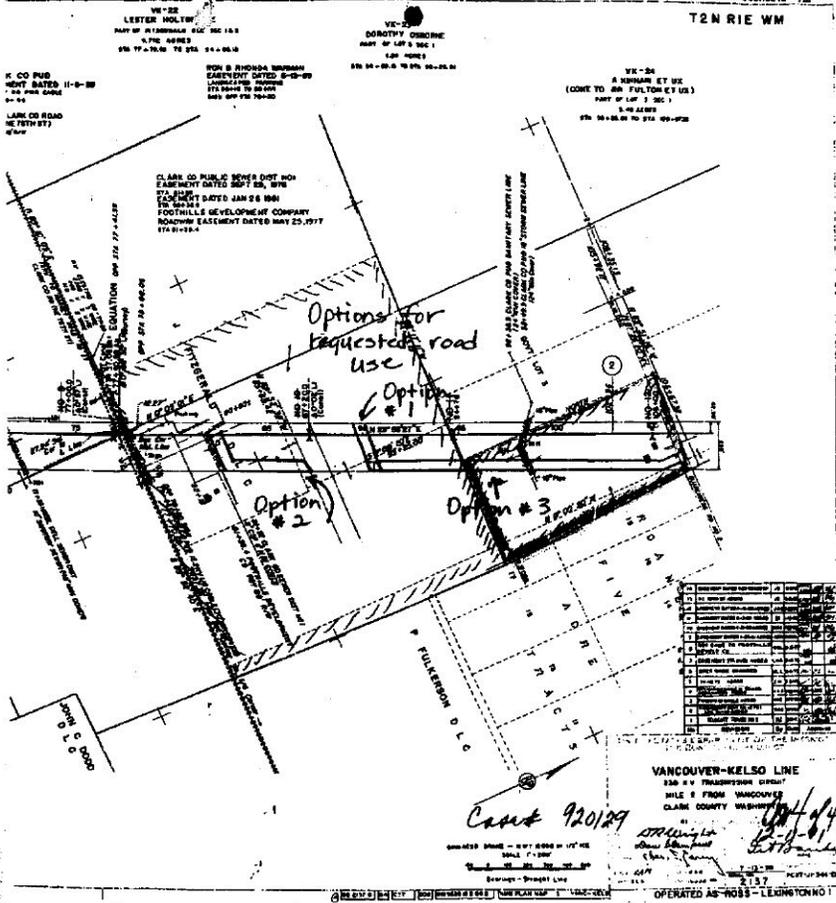
/s/ DORIS RAE KEELER  
Notary Public for the State of Oregon  
residing at Portland, Oregon.  
My Commission Expires Nov. 7, 1942.

"POOR ORIGINAL"

008 2 of 4  
12-11-91



2157  
SUNSHINE  
T2N R1E WM



VE-22  
LESTER HOLMES  
PART OF R1E20W42E SEC 14 & 15  
A.P.M. 84862  
S.W. 1/4-20-42E TO 22E 22-4-82-0

K. CO PUB  
HEMT DATED 11-8-88  
24 P.M. 84862  
8-88  
LAW CO ROAD  
NE 1/4-20-42E

VE-23  
DOROTHY CHURCH  
PART OF L&P 2 SEC 1  
L&P 84863  
S.W. 1/4-20-42E TO 22E 22-4-82-0

FOR 2 SHOSHA BERRIDGE  
EASEMENT DATED 8-28-89  
FOR 20' EASEMENT  
27E 84864 TO 84865  
S.W. 1/4-20-42E

VE-24  
A. SHOSHA ET UX  
(CONTY TO DR. FULTON ET UX)  
PART OF L&P 2 SEC 1  
L&P 84865  
S.W. 1/4-20-42E TO 22E 22-4-82-0

CLAIM OF PUBLIC SERV'S DUTY NOT  
EASEMENT DATED SEPT 28, 1978  
FOR 20' EASEMENT  
FOOTHILLS DEVELOPMENT COMPANY  
NORTHWEST EASEMENT DATED MAY 25, 1977  
27E 81-23-4

NO.	DESCRIPTION	DATE	BY
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VANCOUVER-KELSO LINE  
230 2V TRANSMISSION CIRCUIT  
MILE 8 FROM VANCOUVER  
CLATSOP COUNTY WASHINGTON

Case # 920129

STATIONED BY: ...  
DATE: ...

OPERATED AS-ROSS-LEIGHTON NO 1

11/15/91

Mr. Eby called & said he had mtg w/ county. County had no objections to any of the 3 options. Public hearing is next. He needs <sup>to know</sup> from BPA what they can & can't do.

Re 82nd Street - he says he was at the site & there is no road there.

I told him that I haven't received all the necessary clearances yet.

I also told him about our preference of a 20' road; about the easements - part adjoining his property & part that doesn't; about charging <sup>market value</sup> for any easements we issue; about req'g an appraisal, etc.

He will be on leave for 2 weeks; he will get back to me after that.

12/6/91

VK-22

Verbal approval  
rec'd from  
Erwin Bergman  
eyl

(No environmental concerns)

11/12/91

Doni Garnet called & said that she & Jim Matter reviewed the road plans - no problem; any option OK; keep 20' wide if possible. Also, keep r/w clear; keep BPA roads in same or better condition; need 16' gates w/locks - BPA to provide gates & locks; notify Jim Matter.

enyl

November 6, 1991

Mrs. Rene Ferrera  
% BPA-MMLC  
P.O. Box 3621  
Portland, Oregon 97208

**EBY • LEIN & ASSOCIATES**  
Incorporated, P.S. Architects & Planners

Donald E. Eby, Architect, A.I.A.

303 East 16th Street American Institute of Architects  
Vancouver, Wn. 98663 Phone: (206) 694-8571

RE: Road access across BPA right-of-way

Dear Mrs. Ferrera:

I represent my church, The First Church of God, 3300 N.E. 78th Street, Vancouver, Washington 98685, in requesting permission to place and use access roads across the BPA rightofway to connect to existing streets. As the traffic load increases on 78th Street, it has become apparent that the church needs to have additional exit points to disperse church traffic.

At the present time the church has two exit access drives to N.E. 78th Street.

Enclosed is a quarter section map indicating the church property shaded yellow, and option 1,2,& 3 in orange showing possible routes out of our property by crossing or using BPA rightofway to connect to adjoining streets.

We have been in the process of meeting with county officials to see where they will allow the church to have additional exits. Up unto this time they have rejected our use of N.E. 82nd Street based upon residents objections and a substandard street. We have about 100 cars that need to go north each sunday, therefore access to N.E. 88th Street would be most diserable to the church and would effect fewer residents. Option 3.

We appreciate your consideration and assistance. If there are any questions regarding this matter, please contact me.

sincerely,

*Donald E. Eby*  
Donald E. Eby, Architect

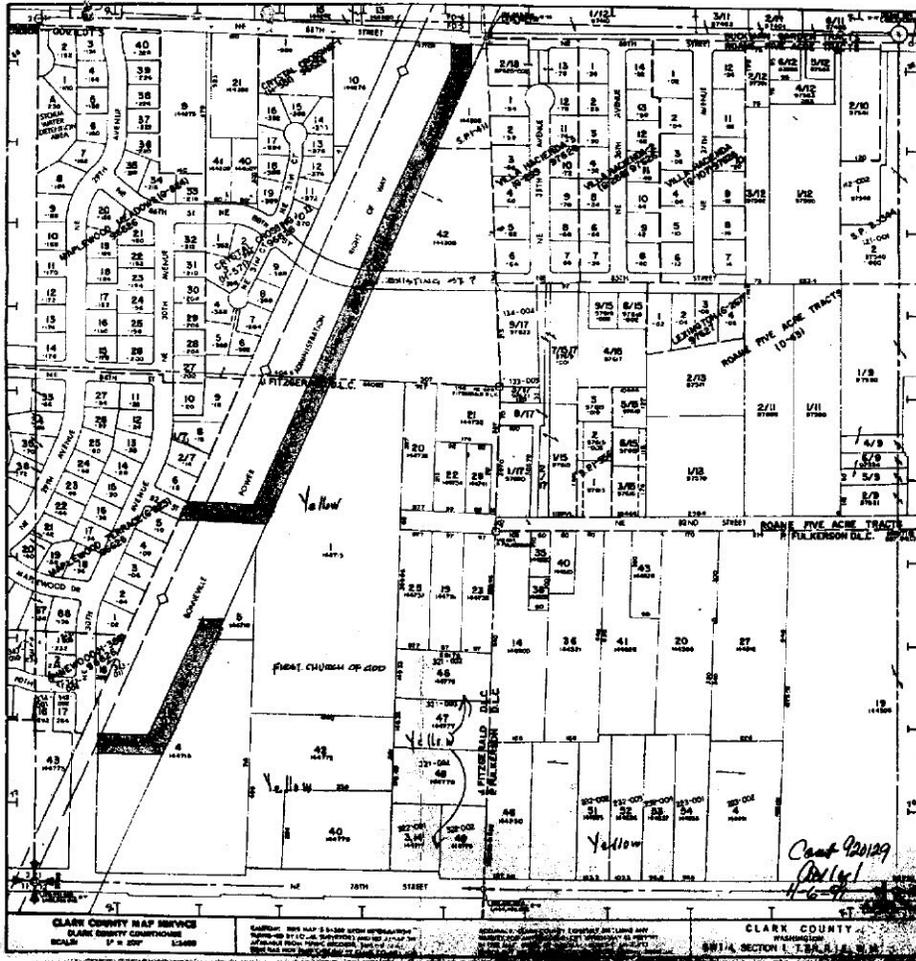
Ex 6

Road would be private, gated, asphalt (gravel & oil surface).  
Roads maybe as wide as 60', but if necessary  
may be as narrow as 20'.

would like option 3 plus either option 1 or 2.

At time new line is built, would be willing to close  
road.

meeting 11/14/91 - needs reply by then



CLARK COUNTY MAP SERVICE  
 CLARK COUNTY COURTHOUSE  
 SCALE: 1" = 200' E2489

CAUTION: THIS MAP IS A SUMMARY OF THE RECORDS OF THE CLARK COUNTY COURTHOUSE. IT IS NOT A SURVEY AND SHOULD NOT BE USED FOR ANY PURPOSES REQUIRING A SURVEY. THE CLARK COUNTY COURTHOUSE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS MAP.

CLARK COUNTY MISSOURI  
 PLAT NO. 12345  
 SECTION 1, T. 24 N., R. 12 W.

CLARK COUNTY  
 MISSOURI  
 SECTION 1, T. 24 N., R. 12 W.

*Cont 920129*  
*1/6-91*

VR-26 EDWARD BROWN  
1/2 SECTION 26  
4.26 ACRES  
1/2 20-26-20 TO 27-26-20

VR-21 CHAS E HOLTBRENE  
LOT 1 2ND 2 & PART OF 1/2 2ND 2ND SEC 26 T2N R1E WM  
4.26 ACRES  
1/2 20-26-20 TO 27-26-20

VR-22 LESTER HOLTBRENE  
PART OF 1/2 2ND 2ND SEC 26 T2N R1E WM  
4.26 ACRES  
1/2 20-26-20 TO 27-26-20

VR-23 BROUGHT OROUNE  
PART OF 1/2 2ND 2  
4.26 ACRES  
1/2 20-26-20 TO 27-26-20

VR-24 A GRASSY ET AL  
(COME TO AND FULTON ET AL)  
PART OF 1/2 2ND 2  
4.26 ACRES  
1/2 20-26-20 TO 27-26-20

CLARK CO PUD  
EASEMENT DATED 11-2-88  
12.50 AC PER CORN  
24 10 1 44

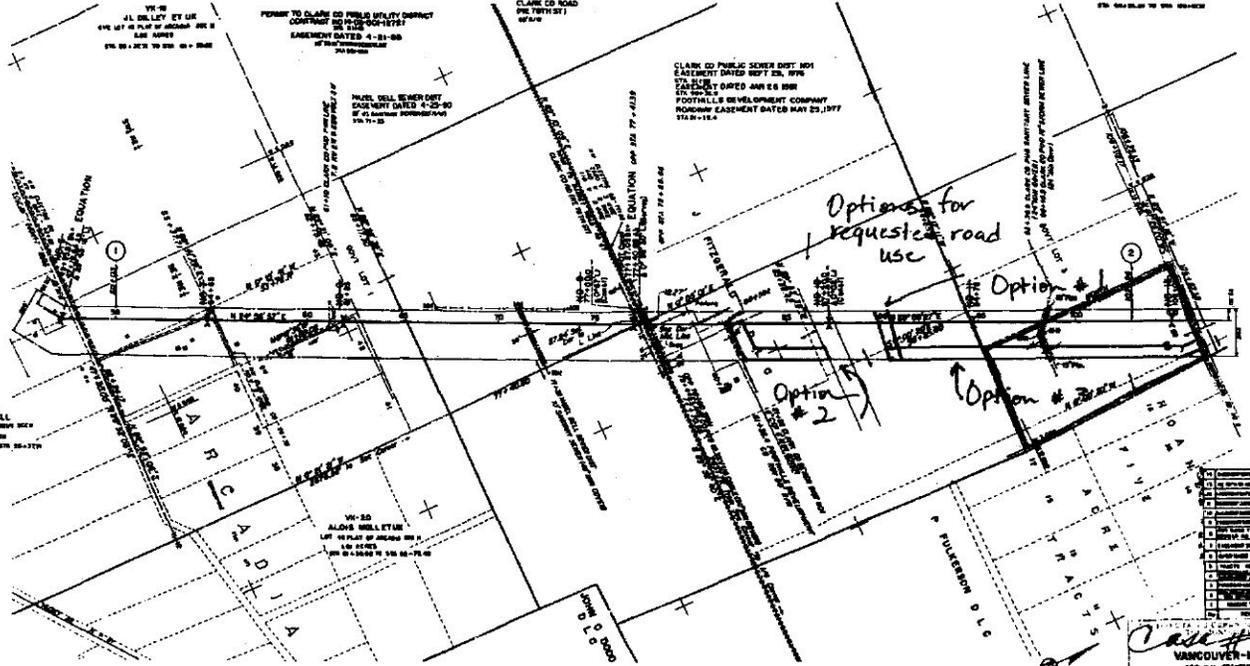
ROB B PATRICK BERRAN  
EASEMENT DATED 8-25-88  
LANDSCAPE JOURNAL  
273 2ND 2ND 2ND 2ND  
12 24 27 28 29 30

VR-25 JI DELLEY ET AL  
1/2 2ND 2ND 2ND 2ND  
4.26 ACRES  
1/2 20-26-20 TO 27-26-20

POWER TO CLARK CO PUBLIC UTILITY DISTRICT  
CONTRACT NO. 100-11775  
EASEMENT DATED 4-21-88  
12 24 27 28 29 30

MUEL DELL BEMER DIST  
EASEMENT DATED 4-25-88  
12 24 27 28 29 30  
12 24 27 28 29 30

CLARK CO PUBLIC UTILITY DISTRICT  
EASEMENT DATED 11-2-88  
12 24 27 28 29 30  
FOOTHILLS DEVELOPMENT COMPANY  
ROUNDER EASEMENT DATED MAY 25, 1977  
24 10 1 44

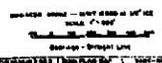


VR-27 WM FELL  
EASEMENT DATED 10-1-88  
12 24 27 28 29 30

VR-28 ALVIN MULL ET AL  
1/2 2ND 2ND 2ND 2ND  
4.26 ACRES  
1/2 20-26-20 TO 27-26-20

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Case # 920129  
VANCOUVER-NELSON LINE  
550 N. FRANKLIN STREET  
VANCOUVER, WASHINGTON  
CLARK COUNTY, WASHINGTON  
DATE: 11-1-88  
BY: [Signature]  
OPERATED AS 4085-1-1-88







Case No. 920129 1/1

**Date:** September 3, 1992

**TO:** Diana O'Neal, Development Review  
Rose Andrzejczak, SW WA Health District  
Murl Jones, Development Review  
David Wechner, Environmental Planning  
John Ruben, Development Review  
Terry Keyes, Water Quality  
Dave Beach, Environmental Services  
Dick Martin, Fire Marshal's Office  
John Bartels, Transportation  
Bruce Cross, Maintenance  
Parks  
C-Tran  
Barbara Clark, US Post Office  
Jo Somerville, Realtors Land Use Committee  
Fire District #5  
School District: Vancouver  
Neighborhood Association: NE Hazel Dell, NE 82nd St/Roane Rd  
Other: BPA

**FROM:** Planning Staff

A hearing has been scheduled for October 8, 1992. Your comments are requested by September 17, 1992.

**APPLICATION:** CUP 92-018-121  
(First Church of God)

**REQUEST:** Applicant requests approval of a Conditional use Permit for additional access points from the existing church site. The site is approximately 28 acres in the Limited Commercial (CL) and Single Family Residential (R1-6) Zoning Districts.

**LOCATION:** 3300 NE 78th Street. Located in the Southwest quarter of Section 1, Township 2, North Range 1 East of the WM.

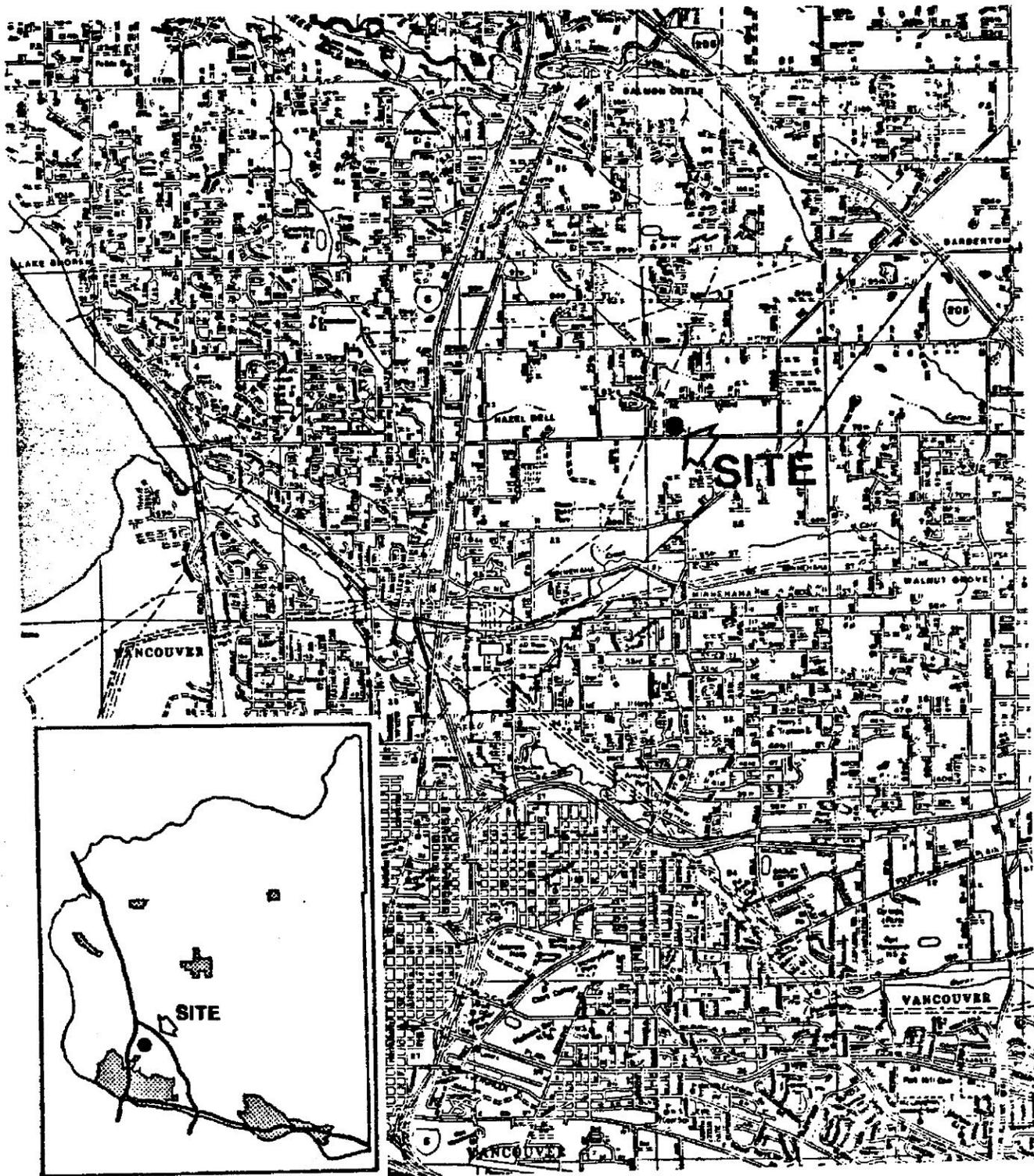
If you have any questions, please contact us immediately. Thank you.

Enclosures

yw

*Ent  
unassigned  
7-4-92  
90*





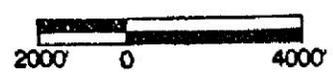
SUBJECT PROPERTY: ●

CLARK COUNTY DEPARTMENT OF PUBLIC SERVICES  
*Planning with the future in mind*  
 PLANNING & DEVELOPMENT REVIEW DIVISION

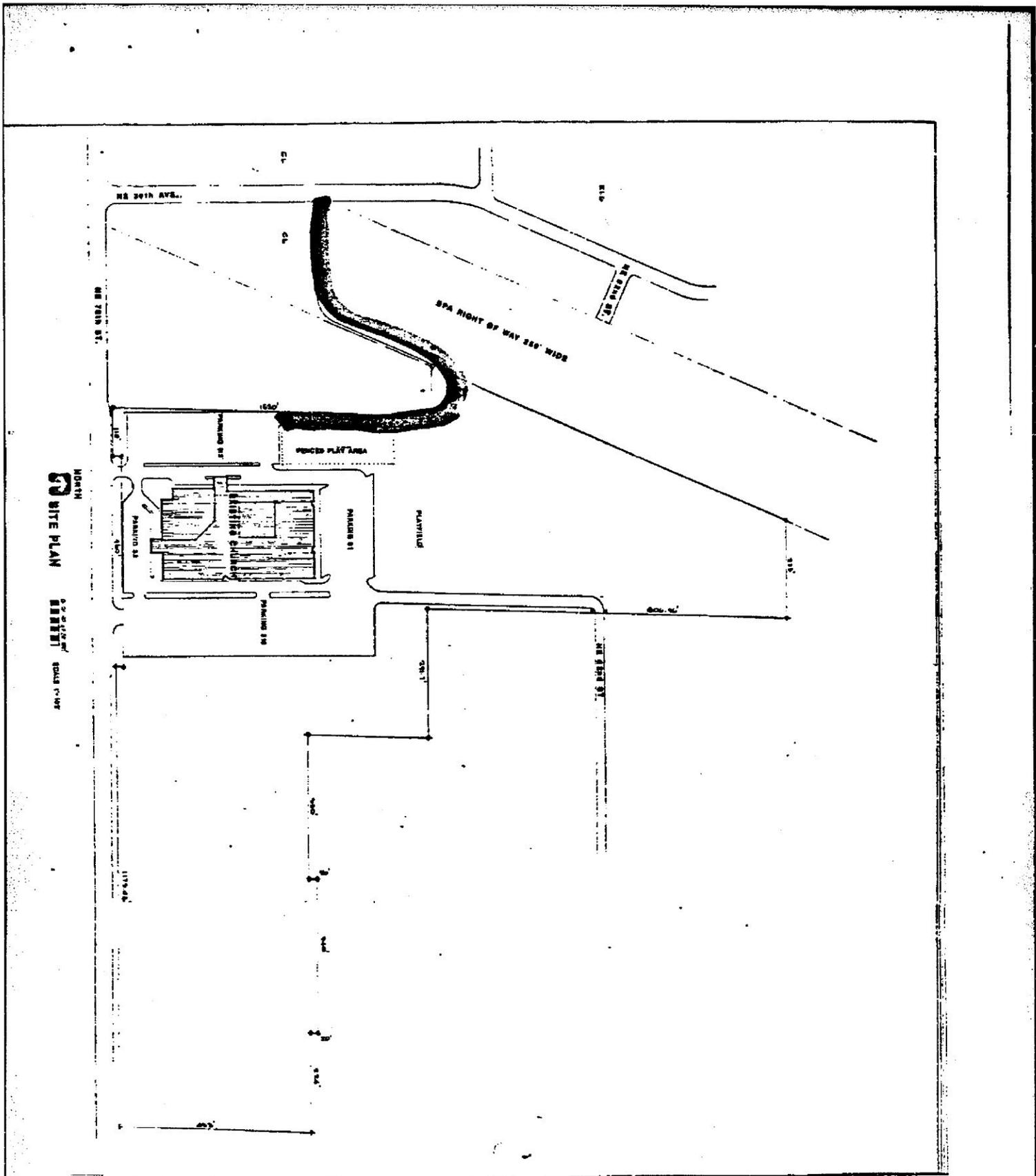
FILE # CUP 92-18-121 (FIRST CHURCH OF GOD)

LOCATION: T2N R1E SEC 1

REQUEST: CONDITIONAL USE PERMIT



att 1074  
 9-3-92



NORTH  
**S** SITE PLAN  
 SHEET 1 OF 2  
 SCALE 1"=40'

FIRST CHURCH of GOD  
 3300 N.E. 76th STREET  
 VANCOUVER, WASHINGTON 98665

**DONALD E. BIV**  
 ARCHITECTS  
 PROFESSIONAL BUILDING - SUITE 101  
 300 N. 10th St. - 2nd Fl.  
 VANCOUVER, WASH. 98101  
 TEL: 236-1111

at 2064  
 7-3-92



SUBMIT TO:  
CLARK COUNTY PUBLIC SERVICES  
PLANNING AND DEVELOPMENT REVIEW DIVISION  
1408 FRANKLIN STREET  
VANCOUVER, WA 98668  
206-699-2375

**CONDITIONAL USE APPLICATION**

1. Conditional use request (description of request, i.e. church, school, etc.): \_\_\_\_\_  
Access roads for First Church of God
2. 1/4 Section sw Section 1 Township 2 Range 1
3. Tax assessor's: Lot No. 1,42840 Serial No. 144770,72 & 144715
4. Street Address 3300 NE 78th Street, Vanc., WA 98665 Zone CI & RL.6
5. Nearest cross street NE 30th AVE.
6. Related or previous permit activity Church school addit.
7.  Donald E. Eby, Architect Ex 6  
Applicant's signature Print Name Mailing Address Phone Number
8. Applicant's interest in property (state whether owner, buyer, lessee, contractor, engineer, consultant, attorney, etc.): Architect
9. Karen A. Olson Karen A. Olson EX 6  
Owners's signature (OF OTHER THAN APPLICANT) Print Name Mailing Address Phone Number

**FOR OFFICE USE ONLY**

Zone \_\_\_\_\_ Plan \_\_\_\_\_ Case No. \_\_\_\_\_  
Counter Check by NL Receipt No. \_\_\_\_\_  
Fees Pd \_\_\_\_\_ App. Date 5/29/92 Tech Complete \_\_\_\_\_  
Graphics \_\_\_\_\_ Routed \_\_\_\_\_  
Notice: Paper \_\_\_\_\_ Mailing \_\_\_\_\_ Posting \_\_\_\_\_ Hearing \_\_\_\_\_  
SEPA(DNS, MDNS) Fees: \_\_\_\_\_ Staff Report Due \_\_\_\_\_  
Comments: \_\_\_\_\_

*at 474*  
*7-3-92*

MAY 26 1993

MMLC (Case No. 920129)  
Tract Nos. VK-22 and VK-24 (FEE)

Mr. Donald E. Eby  
Ex 6

Dear Mr. Eby:

This is in response to your recent telephone request for information on placing landscaping along your access road located within Bonneville Power Administration's (BPA) fee-owned right-of-way. The agricultural easement BPA conveyed back to the sellers allowed for access across the right-of-way, use of water sources and the laying of water pipes on the right-of-way, and customary agricultural practices, so long as the sellers' action did not interfere with BPA's present and future business needs of constructing, operating, and maintaining its electric transmission facilities. The sellers' agreed to keep the right-of-way clear of brush, trees, debris and structures.

Before we would permit any landscaping to be planted within the right-of-way, we would have to have plans submitted that included what you propose to plant and where. Generally, BPA does not allow trees within its fee-owned right-of-way. Any proposed landscaping would have to include a clear 20-foot travel way for access along the right-of-way by BPA maintenance vehicles and be located at least 50 feet from the point where structures enter the earth. After we receive your proposal, it will be reviewed for acceptability.

Sincerely,

/s/ Renee M. Ferrera

Renee M. Ferrera  
Chief, Land Management Section

JKRose:jr:jd:3291:05/26/93 (MMLC-8989:b:92012901)

cc:

E. Peterson - LE

Official File - MMLA (Case No. ~~920129~~)

OFFICIAL FILE COPY

CASE# 920129

S

UPB

*[Handwritten signature]*

APR 20 1994

MMLC (Case No. 920129)  
Tract No. VK-22 (FEE)  
Vancouver-Kelso (operated as Ross-  
Lexington No. 1)

Mr. Donald E. Eby  
Ex 6

Dear Mr. Eby:

I have reviewed your letter and drawing of March 22, 1994, in which you ask for written approval for the new location of your FIRST CHURCH of GOD access road. The proposed road still falls under the provisions set forth in our letter of December 11, 1991 (copy enclosed). Therefore, Bonneville Power Administration has no objections to this new location. We will have our drawings revised to reflect this change.

If you have any questions, please call me at (503) 230-3291.

Sincerely,

**/s/ Julie Rose**

Julie K. Rose  
Realty Specialist  
Land Management Section

Enclosure

JKRose:jr:ni:3291 (MMLC-9003:p:92012901)

cc: (w/copy of drawing)  
D. Babbitt - EFBJ  
Official File - MMLA (Case No. 920129)

OFFICIAL FILE COPY



# DONALD E. EBY, Architect

7313 S.E. Evergreen Highway, Vancouver, Washington 98664

(206) 693-1208

March 22, 1994

Department of Energy  
Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621  
Ms. Julie Rose MMLC

RE: Case No. (920129)

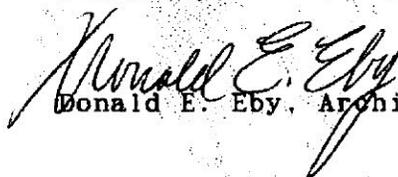
Dear Ms. Rose:

In response to our recent telephone conversation I am enclosing a print of the FIRST CHURCH of GOD access road to NE 30th Av. across the BPA right-of-way. Originally we had shown the private access road along the east line of the right-of-way, however the landowner (Holtgrieve), objected to that alignment as boxing in his property from any use of the right-of-way adjacent to his property. We therefore have shown the road to go diagonal across the right-of-way. This has made all parties to be in agreement. Clark County has approved the re-alignment and the Church wishes to secure bids for the work and proceed with it as soon as the weather breaks for spring.

Would you please give us your written approval as soon as is convenient, in order for the work to proceed.

Thank you very much for your consideration and assistance.

Sincerely,

  
Donald E. Eby, Architect

cc: Church of God, Nic Anderson, Bus. Mgr.

*Ent.  
3-23-94  
80  
2137  
2178*



CASE # 920129  
E BY DONALD E

JUN 4 1992

VCS  
3-26-92

*J*  
323.92  
no leader

MAR 6 1992

(Date To MMLA)

LIS CASE NO. 920129

TO: Chief, Land Information Section - MMLA

SUBJECT: Tract No(s): V-K-2-A-22

(include mile, etc.)

Cross-Reference Tract/File: \_\_\_\_\_

PLEASE MAKE THE NECESSARY ENTRIES IN THE LAND REGISTER AND OTHER RECORDS AS FOLLOWS:

92 MAR 6 AID: 31

- Disposal action has been completed on the above tract(s).
- Easement rights for \_\_\_\_\_  
have been granted to \_\_\_\_\_ on the  
above tract(s).

Note: Easement rights granted over fee-owned lands are coded as BPA Grantor permits and are posted in the LAND GRANT register. The MILE in which the tract is located should be furnished as is done on BPA Grantor permits.

NO Rights issued. Please file attached material in above-referenced case file.

NO Permit required as <sup>rd comes within provisions of an Easement.</sup> ~~crossing is to be located within a public or county roadway.~~ Please file attached material in above-referenced case file. see attached dwg. indicating rd location and letter.

NO MAPPING NECESSARY.

MAPPING NECESSARY-Send to EFBJ and EFDJ.

411 in file-send to EFDJ.

Sally Berringer  
Realty Specialist

23-23-92

enw 3-19-92

no field -  
classified

CHECK LIST - LAND MANAGEMENT SECTION

APPLICANT:

Donald E. Eby

APPLICATION FOR:

~~Use of~~ Road Easement  
(60' wide, private, gated, asphalt)

LINE:

Vancouver-Eugene Lebo  
(operated as Ross -  
Lexington #1)

HANGING MAP NO(S):

U-7

MAP SERIAL NO(S):

2137  
2178

ACQUISITION TRACT NO(S):

VK-22,

BPA HAS  EASEMENT  FEE

OTHER (SPECIFY)

OUTGRANTS ISSUED:

RIGHTS RESERVED BY LANDOWNER:

CONTRACT NO.    NAME    USE

Holtzgrieve	Ag Ease.	recorded 8/5/48	6-6989
Fulton	"	" 3/5/41	E-40815
Clark Co.	sewer Ease.		
Public Sewer			
Foothills Devel.	Road Ease.		
Warman	Ease for parking, etc.		
"	Sign Ease.		
Clark Co. PUD	S/L ease.		
Clark Co. Public Sewer	storm sewerline ease.		
Clark Co. PSD	sanitary sewer	Not on map.	
Clark Co.	Road widening permit		

OPEN CASE(S):

NAME None SPECIALIST \_\_\_\_\_ CASE NO. \_\_\_\_\_

INSTRUMENT ISSUED BY LMS

TYPE: ARI Ag letter DATE: \_\_\_\_\_ NO. (IF ANY) \_\_\_\_\_

BPA F 4300.12  
(02-90)  
(Previously BPA 1863)

U.S. DEPARTMENT OF ENERGY - BONNEVILLE POWER ADMINISTRATION  
**LAND MANAGEMENT CASE ASSIGNMENT**

ASSIGN AS:

- (A) Disposal - Use of Fee-Owned Property
- (B) Disposal - Release of Easement
- (C) Disposal - General Services Administration
- (D) Lease
- (E) Land Use Agreement
- (F) Exchanges
- (G) Highway Crossing Agreement
- (H) Trust/Reimbursable Agreement
- (I) Joint Use Microwave Station/Substation
- (J) Information Letter/Call
- (K) Encroachment (Hazardous Use) Letter
- (L) Utility Crossing
- (M) Christmas Tree Agreement
- (N) Tree and Brush Control Agreement
- (O) Federal Permit
- (P) Other

DATE RECEIVED

INITIALS

11-6-91	
11/7/91	SD
11/7	SD

NOTE: This has not been posted  
in Log Assignment book,  
this was delivered in person  
on 11/6/91.

LE Eby

Preliminary:

Final:

Date Assigned:

cy1

11/7/91

920129

(2)

LAND BRANCH

CASE NO. 920129

MEMORANDUM

TO:  Chief, Facilities Design Branch - EFD  
FROM: Chief, Land Management Section - MMLC  
SUBJECT: Application for: 2 access roads

Asst. Area Mgr for Engineering - LE

DATE: Nov. 8, 1991  
 Chief, Transmission Planning Sec. - EOF  
 Chief, Tech Asst. Sec. - MMPB

Line: Vancouver-Kelso (operated as Ross-Lexington #1)

Tract No(s): VK-22 and 24 (FEE)

Location: In a portion of the J. Fitzgerald Govt. Lot 3, Sec. 1, T2N, R1E, Clark County, Wa.

Applicant: The First Church of God (Donald Eby, Architect)

- This request is referred for evaluation and comments including adverse effects on future plans.
- Please advise current operating name and field structure numbers.

ATTACHMENTS:

- Drawings BPA 2137 & 2178
- Other attachments and/or comments



NOTE: The requester is meeting with Clark County on Nov. 14, 1991 and needs our response by then. A verbal response to me will be appreciated.

- Letter of application w/drawing

cc: J. Krier - MMP

BPA Form(s) 782, 1620, 859

*Carolyn Lee*  
 Land Management Section (Signature) 3291  
(Extension)

TO: Chief, Land Management Section - MMLC

- Recommended
- With reservation
- Not recommended
- Location verified
- Access roads checked

DESIGN NAME	OPERATING NAME	OPERATING STRUCTURE NO.

1-268

(L)

Comments/Reservations:

Electric Field OK. MWY EESB 11-13-91  
Roads Acceptable.

OK-RAM-EFD-11/13/91

SEE ATTACHED COMMENTS #45



DISTRIBUTION:

- EFD : white - return to MMLC, blue - record copy
- \_\_\_\_\_ : green - return to MMLC, yellow - record copy
- \_\_\_\_\_ : pink - return to MMLC, gold - record copy

VSR. *Franklin W. Warty*  
 (Signature) for WCS

11-16-91

20 NOV 91  
(Date)

44534, pg. 25

Date : November 16, 1991

To : Carolyn Lee, Land Management Section - MMLC

From : Richard L. Drayton, Facilities Development Section - EFDJ

Subj.: Engineering Review and Evaluation for Permit Application to Use BPA Right of Way Case Number 920129. Line Name (design): Vancouver-Kelso, Applicant: The First Church of God (Donald Eby, Architect). EFDJ log no. 1-268.

Application for: The construction and use of two access roads for ingress and egress to the church property. There are three options. The application is for the permission for two of the three.

The Division of Facilities Engineering, and other specialists in the Office of Engineering, have evaluated the subject permit application. Based on that evaluation, the application is recommended with the following reservations and comments that should be communicated to the applicant:

1. At the present time, there are no engineering reasons that the applied for roads cannot be built. Although, if an additional line(s) were to be built on the vacant right-of-way in the future, the roads' presence would definitely impact or impair the construction, operation, and maintenance of the new line(s). And, based on the BPA EMF policy in the future, the roads' presence might impair the ability to construct new lines, or reconstruct the existing line. It is recommended that Transmission Planning be consulted for future plans for use of this right-of-way. It is also recommended that if it is decided to permit the construction and use of these roads, that the maximum width be 20' (not up to 60' as applied for) and that they be constructed against the very edge of the right-of-way.
2. Construction equipment must maintain a minimum distance of fifteen feet (15') between equipment and transmission line conductors.
3. Access must remain open and unobstructed at all times.
4. Applicant needs to be aware that BPA maintenance vehicles can weigh up to 29 tons and BPA is not responsible for damage to the applicant's roads. HS-20 loading should be used.
5. No storage of flammable materials is allowed on the right of way.
6. No excavated material is allowed on the right of way.
7. No refueling of vehicles or equipment is allowed on the right of way.
8. Applicant should be sent a copy of "Living and Working Around High-Voltage Power Lines".

If you need additional information and/or assistance, please contact me at EFDJ on extension 5559.

RDrayton:rd:5559 (VS16-EFDJ-4453x: page 25)

*Rev 1 of 1*  
11-20-91

LAND BRANCH

CASE NO. 920129

MEMORANDUM

TO:  Chief, Facilities Design Branch - EFD  
FROM: Chief, Land Management Section - MMLC  
SUBJECT: Application for: 2 access roads

Asst. Area Mgr for Engineering - LE

DATE: Nov. 8, 1991  
 Chief, Transmission Planning Sec. - EOP

Chief, Tech Asst. Sec - MFPB

Line: Vancouver-Kalso (operated as Ross-Lexington #1)

Tract No(s): VK-22 and 24 (FEE)

Location: In a portion of the J. Fitzgerald DLC and Govt. Lot 3, Sec. 1, T2N, R1E, Clark County, Wa.

Applicant: The First Church of God (Donald Eby, Architect)

- This request is referred for evaluation and comments, including adverse effects on future plans.
- Please advise current operating name and field structure numbers.

ATTACHMENTS:

- Drawings BPA 2137 & 2178
- Other attachments and/or comments

**NOTE:** The requester is meeting with Clark County on Nov. 14, 1991 and needs our response by then. A verbal response to me will be appreciated.

Letter of application w/drawing

cc: J. Krier - MFP

BPA Form(s) 782, 1620, 859

*Carolyn Lee*  
Land Management Section (Signature)

3291  
(Extension)

TO: Chief, Land Management Section - MMLC

- Recommended
- With reservation
- Not recommended
- Location verified
- Access roads checked

DESIGN NAME	OPERATING NAME	OPERATING STRUCTURE NO.
NOV 1991 LAND MANAGEMENT SECTION		

Comments/Reservations:

*we see no additional facilities on this right-of-way for at least the next 10 years. If and when BPA builds additional facilities, the road(s) may have to be abandoned or relocated.*

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- \_\_\_\_\_ : pink - return to MMLC, gold - record copy

*Elmo J. Foscho*  
(Signature)

11/15/91  
(Date)

LAND BRANCH

CASE NO. 920129

MEMORANDUM

TO:  Chief, Facilities Design Branch - EFD  Asst. Area Mgr for Engineering - LE  
FROM: Chief, Land Management Section - MMLC  
SUBJECT: Application for: 2 access roads

DATE: Nov. 8, 1991  
 Chief, Transmission Planning Sec. - EOP  
 Chief, Tech Asst. Sec - MMPB

Line: Vancouver-Kelso (operated as Ross-Lexington #1)

Tract No(s): VK-22 and 24 (FEE)

Location: In a portion of the J. Fitzgerald DLC and Govt. Lot 3, Sec. 1, T2N, R1E, Clark County, Wa.

Applicant: The First Church of God (Donald Eby, Architect)

- This request is referred for evaluation and comments, including adverse effects on future plans.
- Please advise current operating name and field structure numbers.

ATTACHMENTS:

- Drawings BPA 2137 & 2178
- Other attachments and/or comments

**NOTE:** The requester is meeting with Clark County on Nov. 14, 1991 and needs our response by then. A verbal response to me will be appreciated.

Letter of application w/drawing

cc: J. Krier - MMP

BPA Form(s) 782, 1620, 859

*Carolyn Lee*  
Land Management Section (Signature)

3291  
(Extension)

TO: Chief, Land Management Section - MMLC

- Recommended
- With reservation
- Not recommended
- Location verified
- Access roads checked

DESIGN NAME	OPERATING NAME	OPERATING STRUCTURE NO.
	NOV 1991 LAND MANAGEMENT SECTION	

Comments/Reservations:

The Lower Columbia Area recommends this, using any of the options, #1, 2, or 3, with the following comments:

1. Access to ROW and structures must be clear and available at all times for maintenance purposes.
2. Roads must be left in the same or better condition.
3. 16' gates with TLM locks must be installed if access to ROW/structures is fenced. Contract Jim Mattix, X4566, at time of fencing.
4. If at all possible, keep roadway no wider than 20' on ~~outside~~ <sup>extreme edge</sup> of ROW, except where crossing the ROW.

DISTRIBUTION:

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- \_\_\_\_\_ : green - return to MMLC, yellow - record copy
- \_\_\_\_\_ : pink - return to MMLC, gold - record copy

*Edward A. Peterson*  
Asst. Area Manager for Engineering (Signature)

11/12/91  
(Date)

Case Detail Print  
Case Nbr.  
19920129

Ref Case No:

Region Cd: L Lower Columt ▼

Casestat Cd: NM NO RIGHTS ▼

Casetype Cd: OTHR OTHER ▼

Case Adno:

From Struct:  To Struct:

Worker	Worker Code	Open Date	Close Date	Cancel Date
	TAB ▼	11/07/1991	03/06/1992	
	JKR ▼			
	SAB ▼			

Name: EBY DONALD E

Primary Contact:

Type: OTH O ▼ Class: PRIVA ▼

Street: Ex 6

City: VANCOUVER

State: WA WASHING ▼ Zip: 98664

Type	Phone Nbr	Ext
HOME ▼	EX 6	
OFFICE ▼	(206) 694-8571	

Name: 1ST CHURCH OF GOD

Primary Contact:

Type: GRT G ▼ Class: NON-P ▼

Street: 3300 NE 78TH STREET

City: VANCOUVER

State: WA WASHING ▼ Zip:

Case Detail Print  
Case Nbr.  
19920129

Tract ID

V-K-2-A-22

Tract ID: V-K-2-A-22

Acquisition		Case Tract	
Status:	PD	Status:	NM NO RIGHTS/MAPPED
Rights Held:	F	Area:	9.71
Area:	9.71	<input checked="" type="radio"/> ACRES <input type="radio"/> HECTARES	<input checked="" type="radio"/> ACRES <input type="radio"/> HECTARES
Length:	1,692.04	Length:	1,692.04
Width:	250.0	<input checked="" type="radio"/> FEET <input type="radio"/> METERS	<input checked="" type="radio"/> FEET <input type="radio"/> METERS
Variable:	<input type="checkbox"/>	Width:	250.0
		Variable:	<input type="checkbox"/>

State: WA County: CLARK Section: Township: N Range: E Meridian: Unsurveyed:

North West Quad		North East Quad	
NW	<input type="checkbox"/>	NE	<input type="checkbox"/>
SW	<input type="checkbox"/>	SE	<input type="checkbox"/>
NW	<input type="checkbox"/>	NE	<input type="checkbox"/>
SW	<input checked="" type="checkbox"/>	SE	<input type="checkbox"/>
South West Quad		South East Quad	

Govt Lot  
3

Other: Type: DLC Name: From: To:

Tract ID	Drawing No	Sheet No
V-K-2-A-22	2137	
V-K-2-A-22	2178	

Tract ID	Station From	Station To
V-K-2-A-22	82+00+/-	87+00+/-

Variance  
NRI NO RIGH  
PVRD PRIVAT

19920129

Comment:

VANCOUVER-KELSO (OPERATED AS ROSS- LEXINGTON NO. 1) RD IS ALLOWED BY TERMS OF THE AG EASEMENT

Date: 07/15/1993

Auditor: SCN

Entered By: JD DAHLHEIM JANET M      Seq: 1      Date: 11/07/1991

Comment:

11-07-91: LETTER DATED 11-06-91 REC'D FROM MR. DONALD E. EBY. HE REPRESENTS HIS CHURCH, THE FIRST CHURCH OF GOD IN REQUESTING PERMISSION TO PLACE AND USE ACCESS ROADS ACROSS THE BPA RIGHT- OF-WAY TO CONNECT TO EXISTING STREETS.

Entered By: JD DAHLHEIM JANET M      Seq: 1      Date: 11/08/1991

Comment:

11-08-91: CYL - I HAVE NOT YET CHANGED THE STATIONING SCREEN AS AN OPTION HAS NOT BEEN SELECTED. IF YOU FEEL ANY DOCUMENTS ARE UNREADABLE, PLEASE RETURN AFTER 411 HAS GONE OUT AND I WILL MAKE COPIES FROM ORIGINAL FICHE. I AM PASSING THE FILE ONTO YOU IN THE INTEREST OF TIME. TAB 11-08-91: APPLIC FWDED TO EFD; ASST AREA MGR FOR ENGR -LE; CHIEF, TRANS. PLANNING SEC-EOF; CHIEF, TECH ASST SEC-MMPB FOR EVALUATION AND COMMENTS.

Entered By: JD DAHLHEIM JANET M      Seq: 1      Date: 11/13/1991

Comment:

11-13-91: COMMENTS RECEIVED FROM LE.

Entered By: JD DAHLHEIM JANET M      Seq: 1      Date: 11/19/1991

Comment:

11-19-91: COMMENTS WITH RESERVATION REC'D FROM EOF.

Case Detail Print

2/3/2011

Case Nbr.

Page 4 of 5

19920129

Entered By: JD DAHLHEIM JANET M Seq: 1 Date: 11/21/1991

Comment:

11-21-91: COMMENTS WITH RESERVATION REC'D FROM EFD.

Entered By: JD DAHLHEIM JANET M Seq: 1 Date: 12/11/1991

Comment:

12-11-91: LETTER TO DONALD EBY, ARCHITECT, RE: HIS REQUEST TO USE ACCESS ROADS ACROSS BPA'S R/W, ADVISING HIM THAT BPA HAS NO OBJECTION TO THE USE, SUBJECT TO CERTAIN CONDITIONS, AND REQUESTING THAT THE CHURCH LET US KNOW WHEN THEY HAVE DECIDED WHAT THEY PLAN TO DO (IF THEY NEED MORE THAN THIS LETTER FOR ITS PURPOSE, THEN BPA WILL SELL THEM AN EASEMENT AND CHARGE THEM FAIR MARKET VALUE FOR THE EASEMENT.

Entered By: JD DAHLHEIM JANET M Seq: 1 Date: 02/20/1992

Comment:

02-20-92: REC'D LETTER FROM FIRST CHURCH OF GOD WITH SPECIFICATIONS THEY ARE PROPOSING.

Entered By: JD DAHLHEIM JANET M Seq: 1 Date: 02/27/1992

Comment:

02-27-92: LETTER TO MR. DONALD EBY. BPA WILL NOT NEED TO ISSUE A FORMAL EASEMENT FOR THE ROAD. BPA WILL HAVE THEIR PLAN AND PROFILE DRAWING REVISED TO REFLECT ROAD WITHIN THE RIGHT-OF-WAY.

Entered By: JD DAHLHEIM JANET M Seq: 1 Date: 03/06/1992

Comment:

03-06-92: CASE CLOSED. NO PERMIT REQUIRED.

Entered By: JD DAHLHEIM JANET M Seq: 1 Date: 05/13/1993

Comment:

05-13-93: CASE REOPENED--CALL REC'D FROM DON EBY. COUNTY WANTS ROAD LAND- SCAPED. THE CHURCH DOES NOT WANT TO DO IT. WOULD LIKE LETTER STATING OUR POSITION ON LANDSCAPING IN R/W.

Entered By: JD DAHLHEIM JANET M Seq: 1 Date: 05/26/1993

Comment:

05-26-93: LETTER TO MR. DONALD E. EBY IN RESPONSE TO HIS RECENT TELEPHONE REQUEST FOR INFORMATION ON PLACING LANDSCAPING ALONG HIS ACCESS ROAD.

Case Detail Print

Case Nbr.

19920129

2/3/2011

Page 5 of 5

Entered By: JD DAHLHEIM JANET M Seq: 1 Date: 03/23/1994

Comment:

03-23-94: LETTER DATED 03-22-94 REC'D FROM DONALD EBY W/ENCLOSED DRAWING.

Entered By: JD DAHLHEIM JANET M Seq: 1 Date: 04/13/1994

Comment:

04-13-94: MR. EBY CALLED, SAID JKR WAS GOING TO GET BACK TO HIM LAST WEEK I INFORMED HIM THAT THE MAPS WERE BEING EVALUATED BY EFD. GHC

CASE # 920129

SUP 1

FEB 08 1993

CD 9-23-92  
AN 9-25-92

CASE # 920129

Sup 2

AUG 27 1993

CS 7-20-93

Per 7-20-93